

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LISA GAIL THOMPCKINS, and	)	
HARVEY SANFORD BOONE, III	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:12CV613
	)	
KEY HEALTH MEDICAL SOLUTIONS,	)	
INC.,	)	
	)	
Defendant.	)	

ORDER

BEATY, District Judge.

This matter is before the Court on a Recommendation and Order of the United States Magistrate Judge ordering that the stay of this matter is lifted, that the Motion for Oral Argument [Doc. #61] filed by Lisa Gail Thompkins and Harvey Sanford Boone, III (collectively “Plaintiffs”) is denied without prejudice, and that the parties file a proposed discovery plan on or before September 17, 2015. Furthermore, the Magistrate Judge recommended that the Plaintiffs’ Motion for Class Certification [Doc. #23] be denied without prejudice to refile after an opportunity for discovery on the issue of class certification.

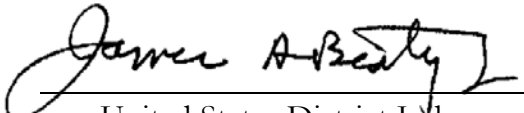
The Recommendation and Order was filed on July 27, 2015, and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were filed within the time limits prescribed by § 636. In the absence of objections, this Court reviews the Order and Recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee’s note. The Court has appropriately reviewed the Recommendation and Order. Having done so, the Court finds that

no clear error exists and the Order and Recommendation should be adopted. The Magistrate Judge's Order and Recommendation [Doc. #70] is therefore affirmed and adopted for the reasons set forth therein.

IT IS THEREFORE ORDERED that the stay of this matter is LIFTED, that the Plaintiffs' Motion for Class Certification [Doc. #23] is DENIED without prejudice, and that the Plaintiffs' Motion for Oral Argument [Doc. #61] is DENIED without prejudice.

IT IS FURTHER ORDERED that the parties are to file a proposed discovery plan on or before September 17, 2015.

This, the 20<sup>th</sup> day of August, 2015.

  
United States District Judge